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50. An automatic door latch restraint assembly comprising:  
an automatic door latch including a first latch movable to an extended position, a partially retracted position and a fully retracted position, and a first spring biasing the first latch toward the extended position; and  
restraint means including a second latch for manually securing the first latch in the fully retracted position, and a second spring biasing the second latch away from a position in which the second latch manually secures the first latch in the fully retracted position.

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51. The automatic door latch restraint assembly of Claim 50, wherein the automatic door latch comprises actuator bar means for manually retracting the first latch to the fully retracted position upon rotation of the actuator bar means, the restraint means comprises means for substantially preventing rotation of the actuator bar means when the first latch is in the fully retracted position, and the restraint means comprises a keeper mounted for rotation with the actuator bar means which receives the second latch when the first latch is in the fully retracted position.

52. The automatic door latch restraint assembly of Claim 50, wherein the first latch is a dead bolt.

#### REMARKS

Upon entry of this Amendment, Claims 35 and 38-52 will be pending in the application.

The Examiner's indication that Claims 39-41 contain allowable subject matter is acknowledged with appreciation.

By the present Amendment, independent Claim 35 has been amended to incorporate the features of original dependent Claims 36 and 37. Claims 36 and 37 have been cancelled.

Newly added independent Claim 43 is similar to original independent Claim 35, further specifying that the automatic door latch includes a dead bolt. Newly added Claims 44-49 depend from independent Claim 43.

Newly added independent Claim 50 is similar to original independent Claim 35, with the further recitation of a second spring biasing the second latch away from a position in which the second latch manually secures the first latch in the fully retracted position. A non-limiting example of this feature is described in the

specification at page 13, lines 4-6 and Figs. 16-17, element 134. Newly added Claims 51 and 52 depend from Claim 50.

Claim 36 was rejected under 35 U.S.C. § 112, second paragraph. By the present Amendment, the recitations of original dependent Claim 36 have been incorporated into Claim 35, and the term "first latch" has been clarified.

Claims 35-38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,727,773 to Hagstrom. Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hagstrom '773 in view of U.S. Patent No. 4,124,238 to Bischoff Jr. These rejections are respectfully traversed.

Hagstrom '773 discloses a latch for a screen door that includes a lock mechanism that holds the latch bolt B in its extended or projected latching position. As stated at column 9, lines 8-10 of Hagstrom '773:

In order to provide for releasably locking the door latch mechanism in its projected, latching position, I have provided a simple locking member 100 (emphasis added).

As further stated at column 9, lines 43-49:

By withdrawing or retracting the lever 101 from its depressed position, the locking member 100 is withdrawn to position clear of the flange members 92 on the actuator disk 90 so that the disk and the spindle S on which it is mounted are then free for rotation to actuate the latch mechanism to retract the latch bolt B from projected position (emphasis added).

In contrast to the lock mechanism disclosed by Hagstrom '773, the automatic door latch assembly recited in independent Claims 35, 43 and 50 comprises restraint means including a second latch for manually securing the first latch in the fully retracted position. Hagstrom '773 does not teach or suggest that the latch bolt B can be locked in its retracted position. Accordingly, independent Claims 35, 43 and 50 are not anticipated by, or rendered obvious over, Hagstrom '773, either alone, or in combination with Bischoff Jr. '238.

Claims 35 and 36 were further rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,681,147 to Dexter. Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dexter '147 in view of Bischoff Jr. '238. Since independent Claim 35 has been amended to include the limitations of original dependent Claims 36 and 37, it is submitted that amended Claim 35 distinguishes over Dexter '147, either alone, or in combination with Bischoff Jr. '238.

Newly added independent Claim 43 recites an automatic door latch restraint assembly comprising: an automatic door latch including a dead bolt movable to an extended position, a partially retracted position and a fully retracted position, and a first spring biasing the dead bolt toward the extended position; and restraint means including a second latch for manually securing the dead bolt in the fully retracted position. Claim 43 thus recites the features of original independent Claim 35 in combination with original dependent Claim 42. It is submitted that Claim 43 is patentable over Dexter '147 in combination with Bischoff Jr. 238, as well as the other prior art of record.

Dexter '147 discloses a locking rosette which may be applied to a standard door latch. The locking rosette is operable to lock an operating bar on which the doorknob is mounted against movement (see page 1, lines 2-6). As shown in Figs. 1-4 of Dexter '147, a locking bar 16 is horizontally slidable from a position shown in Figs. 2 and 3 in which the locking bar 16 prevents rotation of the doorknob operating bar 7, to a position which allows the doorknob operating bar 7 to rotate (see page 2, lines 2-8).

According to the Office Action, it would have been obvious to one skilled in the art to modify the latch mechanism of Dexter '147 with a deadbolt, as taught by Bischoff Jr. '238, in order to provide a stronger locking mechanism. Applicant respectfully traverses this rejection.

The Dexter '147 and Bischoff Jr. '238 references lack any teaching or suggestion that a deadbolt can be manually secured in a fully retracted position by any type of restraint means. Absent any such teaching, the references cannot properly be combined. Furthermore, Applicant submits that the proposed combination of Dexter '147 and Bischoff '238 would be inoperable. Dexter '147 requires a bar (element 16) to slide into locking engagement with the rotatable doorknob operating bar (element 7). However, Bischoff Jr. '238 does not include any type of rotatable actuator bar for the disclosed latch that could be locked in the manner disclosed by Dexter '147. In fact, Applicant contends that an actuator bar as disclosed by Dexter '147 could not be used with the latch bolt mechanism of Bischoff Jr. '238. Accordingly, if the latch bolt of Dexter '147 was replaced with the latch bolt of Bischoff Jr. '238, such a latch bolt could not be actuated by a doorknob operating bar as disclosed by Dexter '147. Thus, the combination proposed by the Examiner would be inoperable. It is therefore submitted that independent Claim 43, as well as Claims 44-49 which depend therefrom, are patentable over the prior art of record.

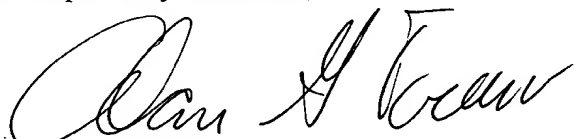
②  
Dexter  
only  
modify  
Dexter  
w/ dead  
bolt

It is also submitted that independent Claim 50 distinguishes over the prior art of record. Claim 50 recites an automatic door latch comprising, in part, restraint means including a second latch for manually securing the first latch in the fully retracted position, and a second spring biasing the second latch away from a position in which the second latch manually secures the first latch in the fully retracted position. This combination of features is not taught or suggested by the prior art of record. Accordingly, it is submitted that independent Claim 50, as well as Claims 51 and 52 which depend therefrom, are patentable over the prior art of record.

In view of the foregoing amendments and remarks, it is submitted that Claims 35 and 38-52 are patentable over the prior art of record. Accordingly, an early Notice of Allowance of this application is respectfully requested.

In the event that any outstanding matters remain in connection with this application, the Examiner is invited to telephone the undersigned at (412) 263-4340 to discuss such matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan G. Towner", is written over the typed name.

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Marked-up Version of Claim 35

35. (Amended) An automatic door latch restraint assembly comprising:

an automatic door latch including a first latch movable to an extended position, a partially retracted position and a fully retracted position, and a first spring biasing the first latch toward the extended position, wherein the automatic door latch comprises actuator bar means for manually retracting the first latch to the fully retracted position upon rotation of the actuator bar means; and

restraint means including a second latch for manually securing the first latch in the fully retracted position, wherein the restraint means comprises means for substantially preventing rotation of the actuator bar means when the first latch is in the fully retracted position and the restraint means comprises a keeper mounted for rotation with the actuator bar means which receives the second latch when the first latch is in the fully retracted position.

Newly added Claims 43-52

43. An automatic door latch restraint assembly comprising:

an automatic door latch including a dead bolt movable to an extended position, a partially retracted position and a fully retracted position, and a first spring biasing the dead bolt toward the extended position; and

restraint means including a second latch for manually securing the dead bolt in the fully retracted position.

44. The automatic door latch restraint assembly of Claim 43, wherein the automatic door latch comprises actuator bar means for manually retracting the dead bolt to the fully retracted position upon rotation of the actuator bar means, and the restraint means comprises means for substantially preventing rotation of the actuator bar means when the dead bolt is in the fully retracted position.

45. The automatic door latch restraint assembly of Claim 44, wherein the restraint means comprises a keeper mounted for rotation with the actuator bar means which receives the second latch when the dead bolt is in the fully retracted position.

46. The automatic door latch restraint assembly of Claim 45, further comprising a manually operable button connected to the second latch for inserting the second latch into the keeper.

47. The automatic door latch restraint assembly of Claim 46, further comprising a second spring biasing the second latch and button away from engagement with the keeper.

48. The automatic door latch restraint assembly of Claim 47, further comprising means for counteracting the biasing force of the second spring when the second latch is inserted in the keeper.

49. The automatic door latch restraint assembly of Claim 48, wherein the means for counteracting the biasing force of the second spring comprises a thin leaf spring in contact with the second latch.

50. An automatic door latch restraint assembly comprising:  
an automatic door latch including a first latch movable to an extended position, a partially retracted position and a fully retracted position, and a first spring biasing the first latch toward the extended position; and  
restraint means including a second latch for manually securing the first latch in the fully retracted position, and a second spring biasing the second latch away from a position in which the second latch manually secures the first latch in the fully retracted position.

51. The automatic door latch restraint assembly of Claim 50, wherein the automatic door latch comprises actuator bar means for manually retracting the first latch to the fully retracted position upon rotation of the actuator bar means, the restraint means comprises means for substantially preventing rotation of the actuator bar means when the first latch is in the fully retracted position, and the restraint means comprises a keeper mounted for rotation with the actuator bar means which receives the second latch when the first latch is in the fully retracted position.

52. The automatic door latch restraint assembly of Claim 50, wherein the first latch is a dead bolt.